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## THE AGENCY'S BILL MOYNIHAN UNLEASHES THE C.I.A.

*The C.I.A. has spied on our own people. The F.B.I. has committed burglaries. . . . This is a time for change in our country. I don't want the people to change. I want the Government to change.*

—Jimmy Carter, Dallas, September 24, 1976

### GEORGE LARDNER Jr.

Television crews and Congressional aides squeezed up against one another in a Senate hearing room last month for a bizarre lesson in semantics. The drive for "reform" of the Central Intelligence Agency and the rest of the nation's intelligence community had taken a new turning, as Senator Daniel Patrick Moynihan proceeded to demonstrate at a crowded press conference.

It was the day after President Carter's State of the Union Message with its alarms over the Persian Gulf and what Carter called "unwarranted restraints" on our intelligence-gathering activities. Moynihan and six colleagues—four Republicans and two Democrats—seized on the occasion to introduce what they christened the Intelligence Reform Act of 1980. Simply put, the proposal amounts to an official secrets act. It would enable the C.I.A. to close the door on most of its misdeeds, past, present or anticipated. It would repeal the law governing covert operations and lift Congressional restraints in effect for the past six years. It would provide for the prosecution of citizens who disclose certain information, even if it is in the public domain.

Moynihan, of course, characterized the measure differently. It was simply a modest beginning, he said—a three-part proposal that "should be seen as but the first blocks in the reconstruction of our intelligence community, not the final edi-

fice." "For too long," Moynihan continued, "we have seen in our own nation a threat to our liberties which, more properly, ought to be seen in places outside our country. Simply stated, we have enemies in the world. It is the K.G.B., not the C.I.A., which threatens democracy."

The speech was vintage Moynihan. But the bill, known as S. 2216, could have been written by the C.I.A.—as indeed much of it was. Moynihan seemed chagrined by a reporter's question to that effect, until an aide informed the Senator that not a few of the provisions had come from C.I.A. headquarters in Langley, Virginia. Whereupon Moynihan harumphed that he saw nothing wrong with that. "We have made no effort to exclude them," he said of the C.I.A.'s draftsmen. Senator Malcolm Wallop, a co-sponsor of the measure, called it "normal procedure" for a bill affecting a Government agency. Neither dwelt on what that did to the word "reform."

With all the war talk bubbling around Washington, however, it is comforting to dream that the C.I.A. can magically pull us back from the brink. The Moynihan bill has an ominous head of steam behind it. Similar legislation is already pending in the House. The Carter Administration seems especially keen on giving the Agency a freer hand for covert actions, in a harking back to "the good old days" of the 1950s and 1960s when it restored the Shah of Iran to his throne, engineered the overthrow of President Jacobo Arbenz Guzmán in Guatemala and finally plunged us into the Bay of Pigs. The new drive has raised speculation about the possibility of covert aid to the Moslem rebels in Afghanistan—as though overt aid were somehow unthinkable. Secrecy is more beguiling. It avoids hard questions, such as whether we really want to go to war—and where—and when.

Although the crisis in Iran and the Soviet invasion of Afghanistan have solidified the new mood, it has been building for some time, beginning, in fact, with the final days of the Senate and House investigations of 1975-76 into the C.I.A.'s and the Federal Bureau of Investigation's excesses in the name of national security. A new rule of law was promised. The only result was the creation of the permanent Senate and House intelligence committees, which were assigned the task of supervising America's spies and counterspies. They quickly fell prey to the Washington rule that the regulators shall lie down with the regulated and became even more secretive. The two committees have produced only one law of any significance: a statute setting up a special court that issues secret warrants permitting electronic surveillance of American citizens in national security cases. The chairman of the Senate Select Committee on Intelligence, Birch Bayh, hailed its passage in 1978 as "a landmark in the development of effective legal safeguards for constitutional rights." He predicted that it would pave the way for enactment of a comprehensive legislative charter to govern the U.S. intelligence community.